

REMARKS

In view of the remarks put forth below, reconsideration and allowance of the pending claims is respectfully requested.

FORMAL MATTERS

Claims 1-4, 6, 8-11, 15, and 19-30 are pending.

Claim 1 is amended to recite that administering the iSe compound and radiation therapy provides for a synergistic effect in treating the neoplastic disease. Claim 10 is amended to recite that administration of the iSe compound is effective to enhance sensitivity of the tumor to the radiation therapy by providing a synergistic effect in enhancing sensitivity of the tumor to the radiation therapy. Support for these amendments may be found in the claims as originally filed as well as in the specification at, for example, page 7, paragraph 26, page 8, paragraph 35, page 9, paragraph 38, page 10, paragraph 44, page 18, paragraph 79, page 24, paragraph 103.

Claims 5, 7, 12-14, and 16-18 have been cancelled without prejudice.

No new matter is added.

INTERVIEW SUMMARY

The Applicants express their gratitude to Examiner Frank Choi for the telephonic interview with the Applicants' representatives Carol Francis and Shweta Chandra on October 15, 2009. The response and the declaration under § 1.132, filed on October 7, 2009, were discussed. The evidence provided in the § 1.132 Declaration was discussed. It was noted the data in the § 1.132 Declaration show significant beneficial effect for a combination of a pharmaceutically acceptable salt of an inorganic selenium-containing compound and radiation therapy, which evidence includes synergistic effects that would not have been predicted by one of ordinary skill in the art (see, for example, Fig. 1B provided with the § 1.132 Declaration).

Amendments to the claims that would put the claims in condition for allowance were suggested by the Examiner.

REJECTION UNDER 35 U.S.C. §103(A)

Claims 1-4, 6, 8-11, and 15-18 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Stiefel et al. (U.S. Patent No. 6,656,509) in view of Lemelson (U.S. Patent No. 4,665,897) and Gorun (U.S. Patent No. 6,511,971). This rejection is respectfully traversed.

Without acquiescing to the correctness of this rejection and solely to expedite the prosecution of this application, the Applicants have amended the claims as suggested by the Examiner. As noted above, these amendments put the claims under condition for allowance.

Accordingly, the Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. § 103(a).

CONCLUSION

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone Carol Francis at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number STAN-333.

Respectfully submitted,
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